

Electronic Filing Agreement
Chesterfield Circuit Court Clerk's Office

This Agreement ("Agreement") is made by and between the Chesterfield Circuit Court Clerk (hereinafter "Clerk") and _____, (hereinafter "Filer"), having its principal place of business at: _____.

The parties hereby enter into this Agreement, pursuant to § 17.1-258.2 through 17.1-258.5 of the *Code of Virginia*, 1950, as amended, for the purpose of granting Filer the right to electronically record land records documents, as defined in § 2.2-3808.2, with the Clerk's Office and to establish a method of payment for such filings. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **FILING/RECORDING ELECTRONIC DOCUMENTS.** Filer may electronically submit land records documents for recordation using the eRecording System listed in Exhibit A, attached hereto and incorporated by reference herein. The Clerk will initially accept the documents listed in Exhibit A for electronic recordation and reserves the right to modify/expand this list at any time.
2. **AGREEMENT TO PAY.** Filer agrees to pay recordation taxes, recording fees or clerks' fees assessed by the *Code of Virginia* in accordance with the procedures setout in Exhibit A.
3. **NOTARIZATION AND ACKNOWLEDGEMENT.** In order to be recorded, land records documents shall comply with the requirements for notarization pursuant to § 47.1 et. seq. and § 55-118.3 of the *Code of Virginia* (and any other statutory requirements subsequently applicable).
4. **NOTIFICATION OF SUBMISSION OF ELECTRONIC DOCUMENTS FOR RECORDATION.** Through its service provider, the Clerk will provide an electronic or other written notification of receipt, including the date and time of the receipt of the electronic document to the Filer that the electronic document has been received by the Clerk, but not recorded.
5. **REJECTION OF DOCUMENTS.** Electronic documents submitted for recordation through the eRecording System will be rejected if they fail to meet the image or file format specifications or security requirements of the eRecording System, or for failure to comply with the requirements as otherwise provided in the Code of Virginia. If an electronic document is rejected, an electronic or other written notification of rejection will be provided to the Filer.
6. **TIME OF RECORDATION OF ELECTRONIC DOCUMENTS.** Electronic documents received by the Clerk are deemed filed as of the time the Clerk provides an electronic or other written notification to the Filer that an electronic document has been recorded.
7. **APPLICATION OF VIRGINIA LAW.** The parties agree that, unless otherwise specified herein, the provisions of Virginia law shall apply including but not limited to the Virginia Uniform Electronic Transactions Act, the Virginia Uniform Real Property Recording Act and the Virginia Mortgage Satisfaction Act.

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8. INDEXING REQUIREMENTS. Filer agrees to abide by the Indexing Standards as promulgated by the Virginia Information Technologies Agency (VITA) and Indexing Guidelines issued by the Clerk. Links to the current VITA Indexing Standards and Clerk's Indexing Guidelines are provided in Exhibit A and are incorporated by reference herein. The Indexing Standards are compatible with those established by the Property Industry Association (PRIA) for file formatting.

9. EFFECTIVE DATE: This Agreement shall be effective upon execution of this Agreement by both parties, as evidenced by the later of the dates reflected below, and shall be effective for an initial term of one year.

10. AUTOMATIC RENEWAL. This Agreement shall automatically renew for a term of one year, unless either party gives a written notice to the other at least sixty (60) days in advance of the end of the initial or renewal term of this Agreement.

11. CLERK'S DISCRETION TO TERMINATE E-FILING. The Clerk reserves the right to discontinue e-filing at her discretion. If such decision is made, the Clerk will notify all Filers with a valid contract.

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12. CONTACTS FOR FILER: Filer shall herein provide the Clerk's Office with an Administrative Contact (an individual familiar with the process of executing and filing land records) and a Technical Contact (an individual familiar with the Filer's computing environment and capable of resolving any technical issues):

A. Administrative Contact Name: _____

Phone Number: _____ Fax Number: _____

Mailing Address: _____

E-mail Address: _____

B. Technical Contact Name: _____

Phone Number: _____ Fax Number: _____

Mailing Address: _____

E-mail Address: _____

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates written below.

Subscriber

Clerk of Circuit Court

By: _____
Signature

By: _____
Clerk/Chief Deputy Clerk

Printed or typed name

Date

Title

Date

Exhibit A

Service Provider

As of the date of this Agreement, the Clerk accepts documents for eRecording through Simplifile. The Clerk reserves the right to accept documents from other service providers in the future.

Simplifile's contact information:

Phone: 800-460-5657
Physical Address: 4844 North 300 West, Suite 202
Provo, Utah 84604
E-mail: information@simplifile.com
support@simplifile.com
sales@simplifile.com

Remittance of Recordation Fees/Taxes

The Filer is responsible for remitting recordation fees and taxes to Simplifile directly. Simplifile will remit same to the Clerk on behalf of the Filer. The Clerk reserves the right to terminate this Agreement upon notification from Simplifile that the Filer is not providing adequate funds to cover land record recordings in a timely manner.

VITA Indexing Standards

VITA Indexing Standards can be accessed on-line at the following URL:
http://www.vita.virginia.gov/uploadedFiles/Library/indexing_standards.pdf

Chesterfield Circuit Court Clerk's Indexing Guidelines

The Clerk's Indexing Guidelines can be access on-line at the following URL:
http://www.chesterfield.gov/content2.aspx?id=8491&ekmense=c580fa7b_266_293_8491_3

Documents Acceptable via Electronic Filing (as of initial implementation)

Certificate of Satisfaction
Certificate of Partial Satisfaction
Assignment
Substitution of Trustee